

Emergency Rule Review – ERR20-031
Legislative Service Office

AGENCY Board of Psychology

DATE SUBMITTED: April 17, 2020

DATE FILED WITH
SECRETARY OF STATE April 17, 2020

NOTE: Under W.S. 16-3-103(b), temporary emergency rules are valid for not more than 120 days after the date of filing.

SUBJECT: Board of Psychology, Ch. 14-Disaster Relief

NATURE OF RULES: Legislative, Procedural

STATUTORY AUTHORITY: W.S. 19-13-115, 33-27-116(b) and 35-4-114(b)

SUMMARY OF RULES: As a result of the COVID-19 pandemic, the Board of Psychology has promulgated emergency rules allowing for an extended period during which a Board issued temporary license to practice shall be effective. Wyoming Statute § 33-27-117(e) limits the period for which a temporary license is effective to "not more than thirty (30) working days in any year without holding a permanent license issued" by the Board. Under the Board's emergency rules, temporary licenses will remain effective during the pendency of a declared state of emergency "plus an additional thirty working days, regardless whether the temporary licensee has practiced for thirty working days or not."

In support of its rulemaking authority, the Board cites Wyoming Statute § 19-13-115 of the Wyoming Homeland Security Act. This provision grants licensing reciprocity to homeland security personnel practicing in necessary health professions, allowing these professionals to practice in Wyoming during the period for which a *state of emergency* has been declared. However, Wyoming Statute § 35-4-114(b), specific to communicable diseases, appears to be more applicable in this situation. That provision allows for temporary licensure of any health care provider during the pendency of a declared *public health emergency* and is not limited to homeland security personnel from other states, as referenced under Wyoming Statute § 19-13-115. Should the Board wish to make its emergency rules permanent, it may wish to consider this issue.

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